

REMARKS

Reconsideration of the present application is respectfully requested.

Summary of Office Action

Claim 12 stands rejected under 35 U.S.C. § 101 as allegedly lacking utility.

Claims 8-15 stand rejected under 35 U.S.C. § 102(b) based on U.S. Patent Application Publication no. 2004/0093555 of Therrien et al. ("Therrien").

Interview Summary

A telephonic interview was conducted between the Examiner and Applicant's representative (the undersigned) on 7/20/2007. Claim 8 was discussed relative to the cited reference, Therrien, and the section 101 rejection. Agreement *was reached* that the amendment set forth above would overcome the present rejections.

Request for Telephone Interview

Applicants respectfully request that, in the event the Examiner does not find the present application to be allowable after considering this response, the Examiner contact the undersigned at (408) 720-8300 to schedule a telephone interview.

Summary of Amendments

Claims 1-7 and 16-21 were previously canceled. In this amendment, claims 9 and 13 have been canceled; claims 8, 10-12, 14 and 15 have been amended; and claims 22-24 are newly added. No new matter has been added.

Discussion of Rejections

Section 101 Rejection

Claim 12 stands rejected under 35 U.S.C. § 101 as allegedly lacking utility. Specifically, the Examiner asserted that the term “allowing” does not guarantee that the action will actually take place, therefore, if the final “allowed” does not take place, there is no result. Applicants respectfully disagree, since providing the *ability* to a user to apply a cloned replication policy to a replication relationship is by itself a practical application of the recited method. Nonetheless, the above amendments to claim 12 are thought to render this rejection moot. Applicant believes that claim 12, at least in its present form, clearly recites statutory subject matter under 35 U.S.C. § 101. Therefore, Applicants respectfully request that this rejection be withdrawn.

Section 102 Rejection

Claims 8-15 stand rejected under 35 U.S.C. § 102(b) based on Therrien. Claim 8, as amended, recites:

8. (Currently amended) An apparatus to enable a user to manage data replication policies, the apparatus comprising:
 - a graphical user interface to output to the user a representation of contents of a data structure containing a plurality of data replication

relationships implemented by a plurality of storage servers and an indication of a first replication policy, the graphical user interface being configured to enable the user to apply the first replication policy to a first data replication relationship of the plurality of data replication relationships;

a policy cloning tool to allow the user to select the first replication policy for cloning and to automatically clone the first replication policy in response to the user's selection, wherein the cloned first replication policy has identical attributes to the first replication policy;

a policy editor to enable the user to rename the cloned first replication policy and to specify a change to an attribute of the cloned first replication policy to produce a second replication policy which is different from the first replication policy; and

a relationship manager to allow the user to apply the second replication policy to a second data replication relationship of the plurality of data replication relationships. (Emphasis added.)

Therrien fails to disclose or suggest (*inter alia*) a policy editor to enable the user to rename a cloned first replication policy and to specify a change to an attribute of the cloned first replication policy to produce a second replication policy which is different from the first replication policy. For at least this reason, claim 8 and the claims which depend on it are thought to be patentable over the cited art.

Claims 12 and 22 include similar limitations and are therefore also patentable along with their dependent claims for similar reasons.

Dependent Claims

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, Applicants' silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.

Conclusion


For the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly requested.

If there are any additional charges/credits, please charge/credit our deposit account no. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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Jordan M. Becker
Reg. No. 39,602

Customer No. 48102
1279 Oakmead Parkway
Sunnyvale, CA 94085-4040
(408) 720-8300